## Remarks

Acceptance of the drawings filed 06 October 2003 is appreciated.

## Response to Claim Rejections in Numbered Paragraph 3 of Detailed Action

Reconsideration of the rejection of Claims 1-8 under 35 USC 102(b) as anticipated by Lack '391 is respectfully requested for reasons given below.

The Official Action asserts that Lack:

> " .. discloses a torque calculator including .. a method for modifying an engine control parameter for engine transients (col. 1, lines 28-61) comprising: a) processing data values that are correlated with rate of change of engine fueling and rate of change of engine speed and that are indicative of engine transients according to a look-up table that contains multiple data values of an adder, each of which correlates with a corresponding pair of rate-of-change of engine fueling and rate-of-change of engine speed data values to select, from the table, an adder data value correlated with the processed rate of change of engine fueling and the processed rate of change of engine speed data values (col. 3, line 25 through col. 4, line 28; and col. 4, line 64 through

> col. 6, line 15); and b) modifying a data value for the control parameter by adding the selected adder data value from the table to the data value for the control parameter (above rejections)."

The assertion that col. 1, lines 28-61, of the reference discloses a method for modifying an engine control parameter for engine transients is, we respectfully submit, an inference that one of ordinary skill would not draw from the reference in the absence of the present disclosure. Col. 1, lines 28-61, of the reference characterizes the subject matter being addressed as endowing "an electronic engine control system with an ability to develop engine net torque output data that correlates reasonably accurately in real time with the actual net torque output of a running engine." The Examiner is asked to notice that nowhere in Col. 1, lines 28-61, does the word "transient" even appear.

The assertion that col. 3, line 25 through col. 4, line 28, discloses a map, or maps, containing multiple data values of an adder, each of which correlates with a corresponding pair of rate-of-change of engine fueling and rate-of-change of engine speed data values, is simply incorrect. Mapping is described as based on various combinations of engine speed and engine fueling, not on various combinations of rate-of-change of engine speed and rate-of-change of engine fueling, as recited in Claim 1.

Col. 4, line 64 through col. 6, line 15, does describe an engine speed derivative term calculation section 34. There is however no reference to a fuel rate derivative term. Moreover, the engine speed derivative term is not used to select an adder from a map. It is a multiplier for the moment of inertia of the rotating mass to determine acceleration and deceleration torque components that affect net torque output. Claim 1 recites the step of "modifying a data value for the control parameter by adding the selected adder data value from the table to the data value for the control parameter." (underlining is for emphasis)

In short, we have shown that Claim 1 is not anticipated by the reference, and therefore we respectfully request withdrawal of the rejection.

Necessarily, the reference also does not anticipate dependent Claim 2, and withdrawal of the rejection of Claim 2 is also requested.

The Action's rejection of Claims 3 and 4 refers to the basis of rejection for Claims 1 and 2 without further explanation. Claims 3 and 4 are like Claims 1 and 2 except calling for use of the inventive method to modify multiple control parameters. For reasons expressed above traversing the rejection of Claims 1 and 2, we respectfully submit that Claims 3 and 4 are not anticipated by the reference, and therefore we respectfully request withdrawal of the rejection of Claims 3 and 4.

The Action's rejection of Claims 5-8 refers to the basis of rejection for Claim 1 without further explanation. Claims 5-8 are claims for an engine that comprises elements for performing the method recited in Claim 1. For reasons expressed above traversing the rejection of Claim 1, we respectfully submit that Claims 5-8 are not anticipated by the reference, and therefore we respectfully request withdrawal of the rejection of Claims 5-8.

## Conclusion

Please continue to direct correspondence to the attorney of record. However, any questions regarding the content of this paper should be directed to the undersigned.

Contingent Deposit Account Authorization

While no fee is believed due in connection with the filing of this paper, any fee lawfully determined by the Commissioner to be due with its filing may be charged to Deposit Account No. 14-0603.

Respectfully submitted,

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